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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,600	01/30/2002	Stuart Leitch	76971	8273

24628 7590 09/08/2004

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EXAMINER

COLLINS, DOLORES R

ART UNIT	PAPER NUMBER
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3712

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

18

Office Action Summary	Application No. 10/060,600	Applicant(s) LEITCH, STUART	
	Examiner Dolores R. Collins	Art Unit 3712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-17 is/are allowed.
- 6) ☐ Claim(s) 1-4 & 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The final office action mailed 11/24/03 has been withdrawn. An office action on the merits is presented below.

Response to Amendment

Examiner acknowledges response by applicant's representative received 5/19/04.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3 & 21 rejected under 35 U.S.C. 102(b) as being anticipated by

Hoyle's Modern Encyclopedia of Card Games.

Hoyle discloses on pages 338-339 the game of Klondike.

Regarding claim 1

Hoyle teaches a method of playing a solitaire game played with conventional playing cards; a set of game pieces (cards) grouped into at least four groups (clubs, hearts, diamonds and spades), a second means of ordering the game pieces (cards) in each group (2 through Ace) and a third means of grouping the game pieces (cards) into two independent groups (red and black cards); distributing the game pieces (cards) into a reserve area (starting area), a field area (area of game play) and a stock area (area for the pack of cards being used); moving the game pieces (cards) from the stock and reserve area into the field area such that the game pieces (cards) are ordered—consistent with the game of solitaire and moving the game pieces (cards) from the field area and stock area to the home area (area where the completes sets are placed).

Regarding claim 2

Hoyle teaches groups with an equal number of game pieces (2 through Ace of each group - clubs, diamonds, spades and hearts).

Regarding claim 3

Hoyle teaches second means in each group ordered (2 through Ace).

Regarding claim 21

Hoyle teaches a means of resolving blocked or deadlocked situations (see page 338, last paragraph and page 339 first paragraph).

2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoyle's Modern Encyclopedia of Card Games.

Regarding claim 4

Hoyle teaches groups of the third means having equal numbers 26 red and 26 black cards).

Hoyle fails to explicitly teach that a board is provided in his game. It is however inherent in the game of Klondike solitaire that it is played on a surface which is adopted as the board of play. It would be obvious to use the surface upon which the game is played as the game board of play in this game.

Alternatively:

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoyle's Modern Encyclopedia of Card Games in view of Chernowski, Jr.

Hoyle discloses on pages 338-339 the game of Klondike.

Regarding claim 4

Hoyle teaches groups of the third means having equal numbers 26 red and 26 black cards).

Hoyle fails to explicitly teach that a board is provided in his game.

Chernowski, Jr. discloses Card Game components and Method of Play.

Chernowski, Jr. teaches a game board with includes a reserve are (a draw pile), a field area (memory area), a home are (program card area) and a stock are (storage area) – see figure 1 & abstract.

It would have been obvious to include the game board of Chernowski, Jr. with the Klondike Solitaire game disclosed by Hoyle for a more structured game play area.

Allowable Subject Matter

Claims 5-10 & 11-17 are allowed.

The following is an examiner's statement of reasons for allowance:

Patentability has been found because the prior art fails to suggest or show the combination as set forth in the independent claims 5 including 'at least one strategy piece for use with the plurality of game pieces to indicate whether an individual game piece is needed;' Further, the prior art fails to suggest or show the combination as set forth in the independent claim 11 including applicant's amendment to include six groups as opposed to four. These requirement are not seen or fairly suggested by the prior art of record.

Response to Arguments

Applicant's arguments, see page 8, second paragraph, filed 5/19/04, with respect to claims 11, 13, 15 & 17 have been fully considered and are persuasive. The final office action of 11/24/03 has been withdrawn.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited to show the state of art with respect to features of the claimed invention.

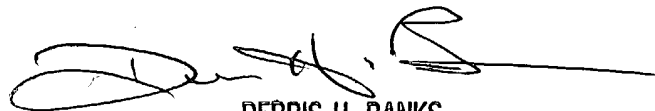
Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Dolores R. Collins** whose telephone number is (703) 308-8352. The examiner can normally be reached on 9:00 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Derris Banks** can be reached on (703) 308-1745. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



September 7, 2004



DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700